

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

Newport News Division

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|--------------------------|---|------------------------|
| UNITED STATES OF AMERICA |) | |
| |) | |
| v. |) | CRIMINAL NO. 4:07cr146 |
| |) | |
| PEABODY CORP., |) | |
| Defendant. |) | |

MOTION FOR ENTRY OF FINAL OF ORDER OF FORFEITURE

COMES NOW the United States of America, through its undersigned attorney, and respectfully moves this Honorable Court to enter a Final Order of Forfeiture in this action with respect to the asset described herein. In support thereof the government states as follows:

1. On November 19, 2007, Defendant PEABODY CORP. pled guilty to conspiracy to harbor illegal aliens, in violation of Title 8, United States Code, Sections 1324(a)(1)(A)(v)(I) and 1324(a)(1)(B)(I) and to false representation of a social security number, in violation of Title 42, United States Code, Section 408(a)(7)(B).

2. As a result of that conviction, certain property of the defendant was found to be forfeitable to the United States pursuant to 18 U.S.C. § 982(a)(6) and 8 U.S.C. § 1324(b). Accordingly, on May 1, 2008, the Court entered a Consent Order of Forfeiture forfeiting said property to the United States of America.

The following property was found to be forfeitable to the United States:

\$6,258,638.00 U.S. Currency, representing proceeds from the criminal offenses.

3. The forfeited property was seized by the United States Marshals Service for the Eastern District of Virginia, as evidenced by the 285 form filed with the Court.

4. Public Notice of Criminal Order of Forfeiture was published once in The Daily Press on May 14, 2008. Public Notice of Criminal Order of Forfeiture was also published for 30 consecutive days beginning on May 10, 2008 on an official government internet site (www.forfeiture.gov). Proof of these publications was filed with the Clerk of Court.

5. The United States is aware of no other persons, other than the defendant, who had any potential ownership interest in the property.

6. Pursuant to 21 U.S.C. Section 853(n) the United States now possesses clear title to the above-described asset.

WHEREFORE, the United States of America respectfully requests that this Honorable Court enter the proposed Final Order of Forfeiture concerning the above-referenced property and asset in accordance with this Motion and permit the United States to dispose of such asset according to law.

Respectfully submitted,

CHUCK ROSENBERG
UNITED STATES ATTORNEY

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CERTIFICATE OF SERVICE

I hereby certify that on the 9th day of July 2008, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which shall send a notification of such filing (NEF) to the following:

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